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EXTRAORDINARY

PART II—Section 3—Sub-section (ii)

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MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

ORDER

New Delhi, the 1st October 1959

S.O. 2186.—In exercise of the powers conferred by sub-section (2) of section 47A of the Road Transport Corporations Act, 1950 (64 of 1950), the Central Government, after consultation with the Government of the State of Bombay, approves the scheme forwarded by that State Government relating to the amalgamation of the Kutch State Road Transport Corporation and the Saurashtra State Road Transport Corporation and the formation of the new Corporation by the name of the Saurashtra-Kutch State Road Transport Corporation and for the purpose of giving effect to the said scheme, hereby makes the following order, namely:—

1. Short title and commencement.—(1) This Order may be called the Saurashtra-Kutch State Road Transport Corporation Order, 1959.

(2) It shall come into force on the 15th October, 1959.

2. Definitions.—In this Order, unless the context otherwise requires,—

- (a) "Act" means the Road Transport Corporations Act, 1950 (64 of 1950);
- (b) "appointed day" means the 15th day of October, 1959;
- (c) "existing corporation" means the Kutch State Road Transport Corporation or, as the case may be, the Saurashtra State Road Transport Corporation, functioning and operating immediately before the appointed day in Kutch area of the State of Bombay or the Saurashtra area of the State of Bombay;
- (d) "Kutch area of the State of Bombay" means the territories transferred to the new State of Bombay under clause (e) of sub-section (1) of section 8 of the States Reorganisation Act, 1956 (37 of 1956);
- (e) "new Corporation" means the Saurashtra Kutch State Road Transport Corporation established, as from the appointed day for the Kutch area of the State of Bombay and the Saurashtra area of the State of Bombay; and

- (f) "Saurashtra area of the State of Bombay" means the territories transferred to the new State of Bombay under clause (d) of sub-section (1) of section 8 of the States Reorganisation Act, 1956 (37 of 1956).

3. Amalgamation of the Kutch State Road Transport Corporation and the Saurashtra State Road Transport Corporation.—As from the appointed day—

- (a) the Kutch State Road Transport Corporation and the Saurashtra State Road Transport Corporation shall be amalgamated to form a new Corporation to be called "the Saurashtra-Kutch State Road Transport Corporation";
- (b) the Chairman, Vice-Chairman and all other members of each of the existing Corporations shall cease to be such Chairman, Vice-Chairman and members thereof, and shall vacate their offices; and the new Corporation shall be constituted in the manner provided in section 5 of the Act.

4. Transfer of assets and rights of existing Corporations.—Subject to the other provisions of this Order, all assets and rights of the existing Corporations (including all land, motor vehicles, machinery, stores, articles and other goods belonging to the existing Corporations) shall, as from the appointed day, pass to and vest in the new Corporation.

Explanation.—In this paragraph, the expression 'land' includes immovable property of every kind or and any rights in or over such property.

5. Contracts.—Where before, the appointed day, an existing Corporation has made any contract, that contract shall be deemed to have been made by the new Corporation and all rights and liabilities, which have accrued, or may accrue, under any such contract shall, to the extent to which they would have been rights and liabilities of the existing Corporation, be rights and liabilities of the new Corporation.

6. Transfer of licences and permits.—All licences and permits granted to the existing Corporations which were valid and effective immediately before the appointed day, shall be deemed to have been granted to the new Corporation.

7. Provision relating to capital.—Where any capital is provided upon any terms and conditions by the Central Government or the State Government to an existing Corporation, the same shall be deemed to have been provided upon the like terms and conditions to the new Corporation by the Central Government or the State Government, as the case may be.

Provided that the capital provided by the Central Government (Ministry of Railways) shall be 33-1/3 per cent. of the total capital;

Provided further that until the rate of interest is varied under sub-section (1) of section 28 of the Act, the minimum rate of interest on the capital provided by the Central Government shall be 4½ per cent.

8. Residuary provision.—The benefit or burden of any assets or liabilities of an existing Corporation not dealt with in the foregoing paragraphs shall, as from the appointed day, pass to the new Corporation.

9. Provision relating to officers and servants.—(1) Every person, who immediately before the appointed day, was an employee of an existing Corporation including every person on deputation thereto shall as from that day, be taken over and, subject to the provisions of sub-paragraph (2), employed by the new Corporation on the same terms and conditions including pay as were applicable to him immediately before the appointed day.

(2) Nothing in sub-paragraph (1) shall be deemed to affect the right of the State Government, or of the new Corporation, with the previous sanction of the State Government, to determine or vary, after that day, subject to the provisions of section 111 of the States Reorganisation Act, 1956 (37 of 1956), the conditions of service of any such employee or person.

10. **Legal proceedings.**—Where immediately before the appointed day, an existing Corporation is a party to any legal proceedings with respect to any property, rights or liabilities which by this Order have become the property, rights or liabilities of the new Corporation, the new Corporation shall be deemed to be substituted for the existing Corporation as a party to those proceedings, or added as a party thereto, as the case may be, and the proceedings may continue accordingly.

[No. 32-T(16)/59.]

D. D. SURI, Dy. Secy.

